

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

BRITTANY K.,

Claimant,

vs.

NORTH BAY REGIONAL CENTER,

Service Agency.

OAH No. 2011020304

DECISION

Administrative Law Judge Dianna L. Albini, Office of Administrative Hearings, State of California, heard this matter in Napa, California, on March 23, 2011.

Kristin N. Casey, Attorney at Law, was present and represented North Bay Regional Center.

There was no appearance by or on behalf of Brittany K.

ISSUE

Is claimant eligible for regional center services?

FACTUAL FINDINGS

1. On January 27, 2011, North Bay Regional Center issued a Notice of Proposed Action to Brittany K. (claimant) in which it proposed to close her case, effective January 27, 2011, on the grounds that claimant was not eligible for regional center services pursuant to

Welfare and Institutions Code section 4512, subdivision (a), and California Code of Regulations, title 17, section 54000.¹

2. On February 2, 2011, Kathie K., claimant's mother, submitted a Fair Hearing Request on behalf of claimant requesting services, based on a condition closely related to mental retardation which requires similar services. This matter was set for hearing on March 23, 2011, at 9:30 a.m. The Notice of Hearing was properly served on February 8, 2011, to the claimant at her known address.

3. On March 23, 2011, at 9:30 a.m., at the location scheduled for the hearing, there was no appearance by or on behalf of the claimant. Claimant did not present any evidence and no testimony was given. Claimant was declared in default.

LEGAL CONCLUSIONS

The burden of proof in this proceeding was on the claimant. Claimant having produced no evidence or testimony, failed to meet her burden of proof in establishing her right to regional center services. The decision of the North Bay Regional Center to deny services to claimant is affirmed.

ORDER

The appeal of Brittany K., from North Bay Regional Center's determination that claimant is not entitled to regional center benefits, is hereby denied. The decision of the North Bay Regional Center is affirmed.

DATED: March 29, 2011

DIANNA L. ALBINI
Administrative Law Judge
Office of Administrative Hearings

Notice: This is a final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within ninety days.

¹ The Lanterman Developmental Disabilities Services Act authorizes specified services for individuals defined as "developmentally disabled."